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Thomas F. Torrance

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THE
GENUINE DECLARATION
OF
William Sutherland,
HANGMAN AT IRVINE;

WHEREIN HIS
KNOWLEDGE OF THE SCRIPTURES, HIS COURAGE, AND
BEHAVIOUR TOWARDS THE PERSECUTORS,

AND THEIR
BARBAROUS TREATMENT OF HIM AT AIR,
ARE PLAINLY SET FORTH.

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PREFACE.

READER,

THOU art doubtless well informed of the sufferings of the persecuted Church of Scotland, during the reigns of King Charles II. and his infatuated brother James VII; and of the devoted constancy, which in those days individuals of every rank and degree displayed in a cause, on which they conceived both the security of their lives and the freedom of their thoughts depended. It was an unhappy period, when the Judges of the land did not hesitate to pronounce sentences, which a poor hangman chose rather to suffer death than execute.

May thy sense of what is right be as strong, and thy conscience pure as his, and riches will never tempt, nor power corrupt thee.

FAREWELL.

THE
GENUINE DECLARATION
OF
WILLIAM SUTHERLAND,
HANGMAN AT IRVINE.

W. Sutherland's Narrative

AT the battle of Pentland, about fifty were killed, and sixty taken prisoners, of which eight were hanged at Air, two at Irvine, and two at Dumfries. —At Air, upon the 24th of December, 1666, the Earl of Kellie, Lieutenant-General Drummond, Charles Maitland of Hattoun, James Creightoun, brother to the Earl of Dumfries, sit in judgement, and have twelve more of the prisoners before them, indicted by the solicitor for treason. They are found guilty, and ordered to be executed at Air, Irvine, and Dumfries; and the sentence was put in execution accordingly.

Thursday, the 27th of December, was appointed for the hanging of eight of them, James Smith, Alexander M'Millan, James M'Millan, George M'Cartney, John Short, John Graham,

James Muirhead, and Cornelius Anderson, in the town of Air. The hangman of that town being unwilling to imbrue his hands in the blood of these good men, got out of the way, and no other could be found to undertake this hateful work. The provost not being able to find one for this office, proposed this expedient, which was gone into: that one of the eight who were condemned should have his life, if he would consent to become burrier to the rest; and with difficulty enough Cornelius Anderson is prevailed upon. When the execution day is come, the poor man's heart being like to fail him, the provost, to secure all, took care to make him almost drunk with brandy. Thus with much difficulty they got their sentence executed.

Other two of them, James Blackwood and John M'Coul, were executed at Irvine upon Munday December last. When Mr Alexander Nisbet, minister there, visited them in prison, he found them ignorant, and very much discouraged and damped with the near views of death and eternity. After he had bestowed some pains upon them, and instructed them in the way of salvation by faith in Christ; when the day of execution came they died full of joy and courage, to the admiration of all who were witnesses. Anderson, as I am told, was likewise obliged to hang them, and in a few days he himself died in distraction and great misery.

The courage and behaviour of William Sutherland, hangman at Irvine, a man very much master of the scriptures, and blameless and pious, and the carriage of the persecutors to him, deserve to be re-

membered. His own declaration, which I am well assured is genuine, and formed by himself, and account of his examination, will set this matter in its native light; and therefore, though the paper be rude, and in a very homely dress, I have insert it.

This poor man, after the hangman at Air fled, was by force brought from Irvine to that place, and boldly stood out against all the fair and foul means used to bring him to execute the above-named persons there. When he had been put in the stocks, and endured all the hardships he himself gives an account of, and still persisted in his refusal, Lieutenant-General Drummond ordered him to be taken out and bound to a stake, and caused a file of musqueteers present their pieces, assuring him he was a dead man, if he yielded not to hang the condemned persons. This moved him not. Then they covered his face, and after a little the soldiers were ordered to run in upon him with a shout, and all the noise they could make. Thus they resolved to make him feel the fear of death, though he escaped the pain of it. And this was his martyrdom, which he underwent with a great deal of composure and resolution.—*Wodrow.*

WILLIAM SUTHERLAND'S DECLARATION.

THE sense of God's goodness, who justifies the ungodly, and calls things that are not, and the persuasion of Christian friends, to whose charity I was much obliged during my imprisonment at *Air* for many weeks, moved me to declare as follows:

I being come of poor parents in Strathnaver, (the wildest part of the North Highlands,) who were not able to keep me, I was hired with a master who sent me to bring back a horse that Colonel Morgan's party had taken from him ; which party I followed till the enemy fell betwixt me and home, and being afraid to go back, and having a desire to learn the Lowland tongue, I came alongst in a sad condition with the said party, till I came to Spey-side, where I herded cattle for a year in the parish of Boharm, at a place called the New Kirk ; from thence I came to the parish of Fyvie in Buchan where I also herded cattle for another year ; from that place I came to the bridge of Stirling, where I followed the same imployment a third year, which was the year the King came home ; and from thence I came to Paisly, where after herding cattle a fourth year, I fell in extreme want, and that by the reason, the master whom I served being owing to one of the baillies, called John Weres, the baillie seized upon my master's goods, so that he ran away, and I lost my fee, and was engaged by the counsel of some honest men from that Scripture, suffer not a witch to live, to execute a witch, and to cleanse chimney heads, whereby I gained somewhat for livelyhood ; and having a mind to learn to read, I bought a question book, but finding the people there to scar at my company, so that none would give me a lesson, I came from Paisly to Irwin, about five years since, where, finding the people more charitable, and to encourage me in learning, I did so affect my book, the people

and the place, that without engagement I did act the part of an executioner, when they had any malefactors to put to death, and so with much trouble I attained to learn to read English; and as I grew acquainted with the Bible, I began to scruple to execute any, except I was clear they deserved to die; and when the business of being executioner to some Southland men in Air came to my door, the scruples of my conscience grew upon my hand, because I had heard they were godly men, who had been opprest by the bishops, whom I never liked since I loved the Bible; therefore I having a jealousy in my mind, that I should be troubled, I had a mind to go from the town after I heard some sermons; it being the Lord's day, I having come to the kirk, opened my book, and the first place that came to my eyes, was that Scripture, *Heb.* iv. 12. to the end of the chapter. This word, by the blessing of the Lord God blessing it to me, was so strengthening and refreshing to me, that all the trouble in the world was not able to quench it out of my heart; and I having gone again in the afternoon to the kirk, I was taken out of the kirk and brought before the provost, and I refused to go willingly to Air. The provost told me I would be forced against my will. I told him one might lead a horse to the water, but twenty four would not make him drink, no more should any make me to do that deed; whereupon I was put in the tolbooth till Munday at night, (where I got much comfort reading the fourth chapter of the Epistle to the *Heb.*) when a serjeant with six soldiers came

from Air to Irwin for me, and the provost, to terrify me, brought me out before them; and when they saw it would not do, then I was sent back again to prison until Tuesday morning, then I was constrained to go with the guard that came for me to Air. They offered me meat and drink, but I refused and would not take it, but bought a farthel of bread and a mutchkin of ale; and when I came thither I was brought before the provost, and notwithstanding of many promises by the provost, and those that were with him, I refused to undertake to execute the Southland men, whereupon I was presently committed to prison in the tolbooth; and the first night I was prisoner, there was one Mr White, a curate, came to me to persuade me to do my office on the said persons, and said, what is this you are doing? do ye not know that thir men are guilty of rebellion? and from 1. *Sam.* 15. told me, that the rebellion whereof these men were guilty, was as the sin of witchcraft: to whom I answered, that that rebellion was Saul's rebellion against the immediate command and revealed will of God, and for sparing Agag and the best of the cattle; and was as the rebellion spoken of the children of Israel, when they rebelled and refused to go to the land of Canaan, but would have chosen captains, and have gone back again to Egypt; and that is like the rebellion spoken of by the prophet Isaiah, all day long have I stretched out my hands to a stiff-necked, rebellious, and gain-saying people. I told him this was not rebellion against man, and in the New

said to Peter, if thy brother trespass against thee, Testament it is called a trespass, and our Lord forgive unto seventy times seven. So I think, if the Galloway men should trespass twenty times, it was far fewer than seventy times seven, the King should forgive them, tho' it were rebellion against him, which I do deny: Remember what good King David did when he fled from Absalom, when Shimei came out and cursed him, and cast earth and stone at him, but yet he forgave him, much more I think our King should forgive the Galloway men, who respected and prayed for him, and who if he were amongst them, would not let a hair of his head fall to the ground. "But," said Mr White, "David was a prophet and a merciful man." "Well," said I, "Sir, will ye make ill men your example, and not good men, what divinity is that?" "At which he was so ashamed, the soldiers laughing at him, that he said in his anger, "Away with thee, the Devil is in thee, and thou hast dealing with familiar spirits." I answered, "If the Devil be in me, he is an unnatural devil, for if he were like the rest of devils, he would bid me take as many lives as I could, that he might get many souls; but the spirit that is in me will not suffer me to take good mens lives." Then Mr White left me, and a number of cursed blaspheming soldiers came about me, and brought me before the general and lieutenant-general, my Lord Kellie, my Lord Provost, and several other gentlemen, where they were met together in a lodging in the town: some of them boasted me, and some of them scorned me, and some of them said, I would go to

the Devil with the rest of the country folk. Others asked me if I were a Covenanter, He must be a Covenanter. I said, though I was no Covenanter, yet I had respect to it for His sake by whom it was named, and who had in His word threatened to send a sword to avenge the quarrel of His covenant : and I said, "What a Covenant will ye give us ? If ye take away the Covenant of God, ye will give us the Covenant of the Devil, for there is but two Covenants, a good one and a bad one." Then they called for the boots to put me in ; and I said, "Bring the boots and the spurs too, you shall not prevail." Then they were angry, and said, "The rogue scorns us, and thinks no better than to do so." Then they mentioned that a cruise full of hot lead should be poured on my hands, and while the lead was melting they went aside and spake Latin, as I thought, among themselves, and when they had done, they brought the lead to pour it on my hands, and I was willing to receive it rather than to obey ; then they were astonished and ~~bad~~ put it on the fire again until they should get more speech out of me. Then my Lord Kellie came unto me, and flattering me, said, "Poor man, I heard they wronged thee, and brought thee out of the kirk on the Sabbath-day betwixt the preachings, they might have let thee hear the sermon, I heard they put thee in the tolbooth ; who came to see you when you were in the prison ? Did not your minister, Mr Alexander Nisbet, come to see you, nor any of the honest men of the town ?" I answered, (as it was true) "None came to see me." He said, "They have been

very unkind ; did you not see Mr James Fergusson since we came west ? I said, " No. " Then said the Lieutenant-general ; " away with him, they have forbidden him to tell, and have said, nothing shall ail him, but he shall rue it when he shall be hanged and casten out to be eaten of dogs. ' Tell me quickly, " said he, " who learned you these answers and forbad you to tell ; I perceive you have gotten a paper from some of these rebellious ministers, and have gotten your answers perquire. " I said, " Not so, my Lord, but God, that said, ' Fear not when ye shall be brought before kings and rulers for my sake, it shall be given you in that hour what you shall say, I will give thee a mouth, and wisdom, that thine adversaries shall not be able to answer ; He makes his promise good to me. ' " Then a number of the gentlemen said, " away with him, the devil is in him, he has dealing with familiar spirits. " I answered them, as I answered Mr White before. Then said the Lieutenant-general, " Tell me quickly who put these words in thy month, or you shall be hanged : " To which I answered, " Even he who made Balaam's ass to speak and reprove the madness of the prophet ; and marvel not, for he that could make a dumb ass to speak, can much more make me a reasonable creature to speak, it is he that gave me these answers, and likewise forbids me to do this, it is he and no other. " Then said my Lord Kellie, " He thinks no better sport than to bring Scripture as he would confound us with it, but you shall rue it when you are going to be hanged. " I answered, " If this confound you, ye shall be better confounded

yet, read ye never that chapter, 1. Cor. i. 26. How not many wise men after the flesh, not many mighty, not many noble are called, but God hath chosen the foolish things of the world to confound the things that are mighty, and base things of the world, and things that are despised, hath God chosen, and things that are not, to bring to nought the things that are, that no flesh should glory in his presence." Then said my Lord Kellie, "Take the devil out of my sight, and put him in the narrowest place of the stocks. The Provost of Air, when he saw me altogether refusing, he rounded in my lug, "What, are you afraid of the country folk? I shall give you fifty dollars, and you may go to the the Highlands, or where your please." I answered him, speaking out loud that all might hear, "What, would you have me sell my conscience? Where can I flee from God? Remember Jonas fled from God, but the Lord found him out, and ducked him over the lugs, so shall he me if I go over the light of my conscience." Then I was taken away and put in the stocks; then came four musketeers before me, and charged their muskets, lighted their matches, the more to terrify me, and brought a cap for my head. But when they saw me open my breast to receive the shots, and that I was willing to die, then came one and said, "Let him alone, he shall not be shot, he shall be hanged, and drawn out of the town that dogs may eat him, for shots is over good a death for him." While I was thus in the stocks, I was very thirsty, and called for a drink; then they intended to bring me a drink of wine, but one

of the soldiers, an Irishman, that could speak Latin, forbad me to take of their wine, as he told me afterwards, they had a mind rather to poison me, and to give me that which would distract me ; and because I refused, they threatened in their anger, that whosoever gave me a drink of water should get the goad-loup ; so I lay until it was dark night, and there was people that would have given me meat and drink, but the soldiers would say blasphemously, if ye come one foot further here, I shall rash my pike through your soul. Then I said to that soldier that was centry over me, and sitting beside me, give me a chopin of water, and I will give you a chopin of ale for it ; but he said, I dare not, you heard what was threatened, but if you will give me a sixpence I will hazard ; so I gave him a sixpence, I having half a crown about me, and thinking to die to-morrow, I thought a chopin of water was better to me than all the money in the world : then he brought me the chopin of water, and held his cloke betwixt me and the light, for fear the rest of the soldiers should see ; and when I had drunk I was much refreshed. Thereafter some standing by, said to me, what needs you or any others make din about bishops, seeing there is no other gospel pressed upon you but what was before ? To whom I answered, Know ye not what Paul says, *Gal. i. 6.* I marvel that ye are so soon removed to another gospel, which is not another, but there are some that trouble you, and pervert the gospel of Christ ; and if any man says he brings another gospel, or perverts the same gospel, let him

be accursed, and consider to whom that belongs : But what think ye of the bishops, said some ? I answered, that I truly think the bishops take more on them than Christ, who was a better preacher than any of them ; for he would not meddle with the dividing the inheritance among the brethren ; as when the young man in the gospel came to Christ, saying to him, *master*, bid my brother divide the inheritance with me : but our Lord refused, saying, *who made me a Judge ?* seeing he being a spiritual teacher, refused to meddle with civil law, why will our bishops sit in Parliament, and go in before earls ! I am informed, they sit and ride in Parliament, and judge in worldly affairs ; they have their coaches to sit in, but neither Christ nor his apostles had them ; they are lords over God's heritage, and our Saviour says to his ministers, *the princes of the Gentiles exercise dominion, but it shall not be so among you, but he that will be greatest shall be servant of all.* The bishops are like the Scribes and Pharisees against whom the Lord pronounced many a wo : wo be to you, Scribes and Pharisees, ye love the chief seats in the synagogues, so love our bishops the chief seats of the parliament : wo be to you, Scribes and Pharisees, for ye love to wear long robes, and to be called of men *Rabbi* : the bishops desire side gowns, and a man to bear up their tails too, and they think they never get their right stile till they be called my lord, and some of them your grace ; you give grace to a graceless face ; they oppress the poor people to feed their own bellies, for which the Lord pro-

nounces many a wo against them. Then said they, Timothy and Titus were bishops. I answered, they were preaching bishops, but not bishops over whole dioceses; and as the apostle says, 1 Tim. iii. a bishop should be blameless, the husband of one wife, vigilant, sober, of good behaviour, given to hospitality, apt to teach; so I think a preaching bishop should have but one flock, but they will not be content with one kirk; and if every bishop had as many of your wives as he has kirks, you would be as ill pleased with them as I am. Remember ye not that scripture, he that will not work should not eat. The bishops must have thousands in the year, but they preach but when they will. Then they asked me, what think you of the king? I said, would ye have me speak treason? the king is set over us all by God, and all his subjects should pray for him, and defend his person and government, and obey in all things, according to the word of God; but I wish that his majesty and all kings may take good heed to the law of the Lord. Remember ye what befel King Uzziah that went into the temple to burn incense, which was not his office, and the priests forbad him, and said, it shall not be for thy honour; and the plague of God broke out upon him, and he remained a leper all his days; so I think our king should fear God's judgements for breaking and changing the worship of God. Remember ye not the king of Jerusalem, that made a covenant with the king of Babylon, and the Lord owned it as his covenant; when he broke it, he said he should be punished, his children were slain before his eyes,

and his eyes plucked out, and he carried prisoner to Babylon, where he died. Remember ye not how Herod, in the 12th of the Acts, went up to the high place to make an oration, and the people said, ^cIt is the voice of a God, and not of a man, and the Lord sent his angel and smote him, and he was eaten of worms, that he died; so I perceive there is no difference before God between the king and the beggar. Remember that covenant that was between the Turk and the Christian king; the Christian brake the covenant, and the Turk held up the covenant, and said, ^cif thou be a God, as the Christians say, and as we dream thou art, revenge the quarrel of thy perfidious people, who in their deeds deny thee to be a God, and he won the battle; and think ye not the king should be afraid for the breaking of his lawful oath? ^cThen Mr White came in and disguised himself, and put on a gray hat and gray clothes that I should not know him, and he sat down upon the stocks beside me, and began to say, ^cI wonder at these country folks, if they had any other gospel preached unto them, it were something. ^cThen I answered, ^cSee what the Scripture says, Gal. i. 6. ^cI marvel that ye are so soon removed from him that called you into the grace of Christ, into another gospel, which is not another; but there be some that trouble you, and would pervert the gospel of Christ; but though I or an angel from heaven preach any other gospel unto you than that which we have preached unto you, let him be accursed; for do I now perswade men or God, or do I speak to please men? for if I yet

please men I should not be the servant of Christ. Then said they, have you learned your Latin, Greek, and Hebrew, that you should know these things, as long as better scholars and great men have done it, what needs you trouble yourself? That is, said I, as spoken in the gospel of John, when the Scribes and Pharisees sent officers to take Christ, when he spake that parable, He that believeth on me, as the Scripture hath said, out of his belly shall flow rivers of living waters; then the Scribes sent officers to take him, and when they had not taken him, they asked, why have ye not brought him? The officers answered, never man spake as this man. Then answered the Pharisees, are ye also deceived, have any of the rulers believed on him? But this people who know not the law are accursed. Remember ye not what our blessed Lord said, I thank thee, O Father of heaven and earth, that thou hast hid these things from the wise and prudent, and revealed them to babes. How know ye, but the Lord has revealed more to me than your bishops with their side tails? Then came the captain of the guard, and said, you may see we are right and they are wrong, for we have win and they have lost. I did then remember what the Scripture saith of John the Baptist, there was not one greater born among women, who was the forerunner of Christ, yet when he had done the work the Lord sent him for, he was beheaded by cursed Herod; many of you say that Herod was right, and John the Baptist wrong. They were not able to answer this, then I said, when Cromwel took his

prisoners, he neither headed them nor hanged them as ye do. Then they answered me, Cromwel had not right nor law as we have. I said, I will seek no other words against you than that of your own mouth, for ye say, that Cromwel had no right nor law, yet he won many a battle against you, and over-ruled the best of you; ye see a wicked man may prosper in an evil cause, for your law, I trow, it be like that cursed law, by our law he must die, and by our law they must die. Then came some of the soldiers, and said, we have heard tell of some of your country men that have been hanged for stealing kine, and horse, and sheep, but you are the first we have heard of laid down his life for religion. Then I answered, if one that is barbarous, or come out of a barbarous place, has respect to his conscience, what shall come of you who think yourself brought up at the feet of Gamaliel, that has no respect to your conscience, what think you shall become of you when you shall be judged at the last day? Then said they, speak no more to him, let him alone. Then after that I heard that they would take no more lives; then came some of the greatest men to me, and said, what think you of yourself now? there is a barrel with pikes made to put thee in, and roll thee up and down. I said, I even think of myself as I did at first; I said unto him, why have ye not taken all their lives, seeing they are all alike guilty? Then said they, you are more cruel than we are, for we have taken but some to be example to others. Then I said, wo be to your example, for your example is not according

to the word of God, for remember what the word of God saith, the son shall not die for the father, nor the father for the son, far less should a man be an example to one that is born in England or Ireland. "I heard that they were minded to strangle me in prison, but they could not agree among themselves; they said, we cannot tell how to do it, but word will be gotten of it, and then it will make us more odious." After I came out of prison, my Lord Eglintoun sent for me, and asked me of thir passages, and he said to me, poor man, you did well in not doing what they would have had you do: I answered to my Lord, you are speaking treason, you say I have done well, whereas you persecute them from the first to the last; this tells me in experience, that you have gone against the light of your conscience; wo will be to you that go against the light of your conscience. My Lord said, know you not I kept you from being hanged, and are you telling me that? I answered, Keep me from drowning too, I will tell you the verity.

How odious injustice is to God and man, as being equally destructive to religion and human society; and how severely it has been heretofore punished by both, may appear by the ensuing examples:

1. As to God, who is *Capitalis Justitiarius Cæli et Terra*, the grand never-erring Justitiary of all the world. His sacred word prohibits nothing

more positively, nor complains of any thing louder, or with more repeated importunities. “Thou shalt not wrest the judgment of the poor in his cause: Thou shalt take no gift, for a gift blindeth the eye of the wise, and perverteth the words of the righteous,” *Exod. xxiii. 6, 8.* “Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift,” &c. *Deut. xvi. 19.* “Woe unto them that justify the wicked for reward, and taketh away the righteousness of the righteous from him,” *Isa. v. 23.* “A wicked man taketh a gift out of the bosom (’tis done you see slyly and in the dark) to pervert the ways of judgment,” *Prov. xvii. 23.* “Woe unto ye who turn judgment into wormwood, and leave off righteousness in the earth,” *Amos v. 7.* “The good man is perished out of the earth, and there is none upright amongst men; they all lie in wait for blood; they hunt every man his brother, as with a net, that they may do evil with both hands earnestly. The prince asketh, and the judge gapeth for a reward; and the great man uttereth his mischievous desire, so they wrap it up: The best of them is as a briar, the most upright is sharper than a thorn hedge,” &c. *Mic. vii. 2, 3, 4;* with many of the like texts.

2. As corrupt judges are thus obnoxious to the curse of God, so hath his divine providence not seldom executed it upon them, even in this world, by the hands of men. Nor indeed is there any thing that can render kings (God’s vicegerents) more glorious, or better establish any state, than to keep the current of justice clear and unsullied,

and exemplarily to punish their subordinate ministers, and especially judges, that shall presume to impoison that sacred fountain.

Several heathen princes are renowned for this wholesome severity. 'Tis said of Alexander Severus, the Roman emperor, that he had such an aversion and abhorrence of unjust judges, that, at the very sight of them, he would vomit choler, and was ready with his fingers to pluck out their eyes. *Theatrum Historicum*, f. 546.

The mighty monarch Cambyzes, king of Persia, finding that one Sisamnes, his chief justice (*Præses* our author calls him in Latin) had received a bribe, and for the same pronounced an unjust sentence, forthwith caused him to be executed and curiously flead, and, with his skin, covered the common seat of justice, and constituted Otanes (the said Sosamnes' own son) judge in his room, that so beholding daily those reliques of his justly-punished father, it might serve as a *memento* to him to act more uprightly. *Chilonicon Carionis*, l. ii. p. 19.

But not to search so far off, our own nation affords us, perhaps, the most notable and numerous examples of royal justice in this kind, of any in the world; for we find it recorded in that ancient law-book, intituled, the Mirrour of Justices (most of which is said to be compiled before the Conquest) and augmented by the learned Andrew Horn, in the reign of king Edward I. and which is often cited by the famous Lord Coke, and to this day continues in good repute amongst lawyers), that

king Alfred, a renowned Saxon prince, who governed this realm about the year of our Lord 900, did, in one year's space, bring to condign punishment, no fewer than four and forty of his justices, so the law terms those we call judges; and this was long before either justices of the peace were established, or the courts fixed at Westminster; but justice was, in those days, administered in the country, in neighbouring courts, which yet (as appears by the nature of the offences alleged against them) had *Jus vitæ et necis*, power of life and death, and so may properly be called judges.

It is an abuse that justices and their officers, who kill people by false judgment, be not destroyed, which king Alfred caused to be done, who caused forty four justices in one year, to be hanged as murderers, for their false judgments.

FINIS.

ERRATUM.

The 2d line of page 11th to be read first.





